IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3388 OF 2006

Vellapu Sriniwas Venkataraman Applicant
versus
The State of Maharashtra Respondent

D.P.Guchiya for applicant.
Mrs.M.M.Deshmukh, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. The applicant has been arrested in connection with offences of forgery and cheating. The applicant could not be arrested for nearly two years and that is how the Trial Court held that despite the co-accused having enlarged on bail, the principle of parity cannot be applied to the applicant. The applicant and the co-accused Motilal were partners in scrap business and obtained loan from Maharashtra State Small Industries Development Corporation. The loan of Rs.25.00 lakh was sanctioned. Prima facie, some material/scrap material was booked and there are letters of the Commission Agents which are

produced in that behalf. All investigations being complete and appropriate conditions imposed, the co-accused Motilal was enlarged on bail.

2. The Trial Court has observed that the applicant has no roots in Mumbai. He is permanently residing in South India and after cheating and forgery was discovered, the co-accused arrested in 2004, the applicant has not surfaced for all these years.

3. The applicant's counsel has denied all these facts and has submitted that the co-accused was also arrested in May 2006. Further, the applicant has filed an affidavit in which he has said that he is staying along with his sister at Navi Mumbai. He states that his sister is permanently staying in Navi Mumbai and is willing to stand surety on his behalf. Further, the applicant undertakes not to leave Mumbai/Navi Mumbai without prior permission of the Trial Court and also attend concerned Police Station once in a week. He would surrender his passport as well, if there be any.

4. In the above circumstances, the applicant is

enlarged on bail. Hence following order.

5. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.107 of 2004 registered with GBCB, CID, Economic Offence Wind, Unit-III, Mumbai subject to furnishing a personal bond of Rs.50,000/- (Rs.Fifty thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall report to GBCB, CID, Economic Offence Wing, Unit-III, Mumbai once in a week till conclusion of trial;

(iii) The applicant shall not leave Mumbai and Navi Mumbai municipal limits without prior permission of the Trial Court;

(iv) The applicant shall deposit his passport forthwith with the Investigating Authority;

(v) The applicant shall furnish his residential address to the Investigating Authority where wishes to reside after bail and during pendency of the trial, and without prior intimation to the Investigating Agency, he shall not change his

residence;

(vi) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vii) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(viii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(ix) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)